

EXHIBIT A

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: Bair Hugger Forced Air Warming
Devices Products Liability Litigation

MDL No. 15-2666 (JNE/DTS)

This Document Relates to:

PRETRIAL ORDER NO. 27:
SECOND AMENDED
SCHEDULING ORDER FOR THE
BELLWETHERS SECOND

ALL ACTIONS

Based upon the submissions of the parties, the Court finds that good cause exists to modify the schedule for the Bellwethers Second as follows:

1. The Bellwethers Second were these cases:

Joint Nominees

17-cv-0511 (*Nancy Axline v. 3M Co.*)
17-cv-1696 (*Laura Hives v. 3M Co.*)

Plaintiffs' Nominees

16-cv-2144 (*Pearlie Partlow v. 3M Co.*)
16-cv-4159 (*Ada Trombley v. 3M Co.*)
17-cv-459 (*Terry Arnold v. 3M Co.*)

Defendants' Nominees

17-cv-1078 (*Julio Ramirez v. 3M Co.*)
17-cv-3056 (*Ruth Goodpaster v. 3M Co.*)
17-cv-3068 (*David Henderson v. 3M Co.*)

2. *Hives* and *Axline* had been designated as the first two Bellwethers Second cases to be prepared for trial. *Hives* is now dismissed, and *Axline* is de-designated as a bellwether in light of rulings that have occurred in the case.

3. By October 8, 2018, the parties must tell the Court the next sequence of four nominated cases to prepare for trial (the “Priority Cases”). Each side will select two Priority Cases. The parties are not bound by the previous sequence of cases communicated to the Court on April 13, 2018. If the parties jointly nominate a case, then Defendants shall be allowed to nominate an additional Priority Case, recognizing that Defendants were given the first non-joint pick under Pretrial Order No. 26.

4. By October 26, 2018, the parties must propose a schedule for the remaining two cases.

5. For the Priority Cases, case-specific fact discovery closes on December 21, 2018. For treater depositions, each side may use half of the total time set aside for a deposition. Neither party may use the other’s unused time.

6. For expert testimony about specific causation in the Priority Cases,

a. Initial expert reports and disclosures of the identify of expert witnesses under Rule 26(a)(2) must be exchanged by January 7, 2019.

b. Rebuttal expert reports and disclosures of the identity of rebuttal expert witnesses must be exchanged by January 28, 2019.

c. Depositions of expert witnesses must be completed by February 28, 2019.

d. If an expert has testified about general causation, a party deposing that expert witness may not explore general causation unless as incidental to a specific causation inquiry.

7. Case-specific Daubert and dispositive motions in the Priority Cases must be filed by March 7, 2019.

8. By February 4, 2019,

a. The parties must propose which one of the Priority Cases will be trial-ready on May 13, 2019. If the parties are unable to reach agreement, each side must submit a statement to the Court of no more than 350 words about why its proposed case is most suitable to be tried on May 13, 2019, and the Court will decide.

b. The parties must propose when the other two cases will be trial-ready.

IT IS SO ORDERED.

Dated:

JOAN N. ERICKSEN
United States District Judge